

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Maura Roche	Team: Squad #10	CCRB Case #: 201908601	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 09/17/2019 12:15 PM	Location of Incident: [REDACTED]	Precinct: 19	18 Mo. SOL 3/17/2021	EO SOL 11/1/2021	
Date/Time CV Reported Thu, 09/26/2019 12:10 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 09/26/2019 12:10 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Ricardo Lawrence	23320	952972	019 PCT
2. Officers			019 PCT
3. POM Paul Law	06512	947161	019 PCT
4. SGT Steve Siciliano	03359	946249	019 PCT
5. POF Jessenia Guzman	14484	926919	OFF CSO
6. POF Dionne Brown	14819	938119	OFF CSO

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Christophe Diaz	22533	952675	019 PCT
2. POM Alexander Alvarez	29192	940955	019 PCT
3. POM Kennie Morel	26981	965352	019 PCT
4. POM Jaily Polancobalcacer	19323	957966	019 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Dionne Brown	Abuse: Police Officer Dionne Brown entered § 87(2)(b) [REDACTED] in Manhattan.	[REDACTED]
B.POF Jessenia Guzman	Abuse: Police Officer Jessenia Guzman entered § 87(2)(b) [REDACTED] in Manhattan.	[REDACTED]
C.SGT Steve Siciliano	Abuse: Sergeant Steve Siciliano forcibly removed § 87(2)(b) [REDACTED] to the hospital.	[REDACTED]
D.SGT Steve Siciliano	Abuse: Sergeant Steve Siciliano entered § 87(2)(b) [REDACTED] in Manhattan.	[REDACTED]
E. Officers	Abuse: Officers refused to provide their names to § 87(2)(b) [REDACTED]	[REDACTED]
F. Officers	Abuse: Officers refused to provide their names to § 87(2)(b) [REDACTED]	[REDACTED]
G. Officers	Abuse: Officers refused to provide their shield numbers to § 87(2)(b) [REDACTED]	[REDACTED]
H. Officers	Abuse: Officers refused to provide their shield numbers to § 87(2)(b) [REDACTED]	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
I.POM Ricardo Lawrence	Force: Police Officer Ricardo Lawrence used physical force against § 87(2)(b)	
J.POM Ricardo Lawrence	Abuse: Police Officer Ricardo Lawrence threatened § 87(2)(b) with the use of force.	
K.POM Ricardo Lawrence	Abuse: Police Officer Ricardo Lawrence entered § 87(2)(b) in Manhattan.	
L.POM Paul Law	Abuse: Police Officer Paul Law entered § 87(2)(b) in Manhattan.	
M.POM Ricardo Lawrence	Abuse: Police Officer Ricardo Lawrence interfered with § 87(2)(b)'s use of a recording device.	
N.POM Ricardo Lawrence	Discourtesy: Police Officer Ricardo Lawrence gestured discourteously toward § 87(2)(b).	
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	

Case Summary

On September 26, 2019, § 87(2)(b) filed this complaint on behalf of himself and his sister, § 87(2)(b) with the CCRB by phone.

On September 17, 2019, at approximately 12:15 p.m., PO Dionne Brown and PO Jasmine Guzman, both of the Co-Response Team § 87(2)(g), with § 87(2)(b) a Special Consultant with the Department of Health and Mental Hygiene who works jointly with the Co-Response Team, responded to § 87(2)(b)'s apartment, located at § 87(2)(b), in Manhattan. § 87(2)(b) let § 87(2)(b) PO Brown, and PO Guzman into the apartment to discuss an ongoing complaint that he had against hospital staff at § 87(2)(b) and the NYPD's response to it (**Allegation A: Abuse of Authority – Entry of Premises, § 87(2)(g); Allegation B: Abuse of Authority – Entry of Premises, Miscellaneous – § 87(2)(g)**).

After speaking with § 87(2)(b) for a few minutes, PO Brown, PO Guzman, and § 87(2)(b) left the apartment and requested backup. Sgt. Steve Siciliano, PO Paul Law, PO Ricardo Lawrence, PO Alexander Alvarez, PO Kennie Morel, and PO Jaily Polancobalcacer, all also of the 19th Precinct arrived, and PO Brown, PO Guzman, and § 87(2)(b) explained that § 87(2)(b) was exhibiting behavior consistent with homicidal ideation, at which point Sgt. Siciliano determined that § 87(2)(b) would need to be evaluated by EMTs (**Allegation C: Abuse of Authority – Forcible Removal to the Hospital, § 87(2)(g)**).

PO Guzman, PO Brown, and § 87(2)(b) followed by Sgt. Siciliano, re-entered § 87(2)(b)'s apartment (**Allegation D: Abuse of Authority – Entry of Premises, § 87(2)(g)**) and told him that he needed to be medically evaluated. § 87(2)(b) who had been in her room at the back of the apartment, entered the kitchen area, and § 87(2)(b) asked her to obtain the names and shield numbers for all the officers present. § 87(2)(b) then allegedly asked for the names of the officers present. Sgt. Siciliano and PO Guzman provided their names and shield numbers to § 87(2)(b) who wrote the information down, but none of the other officers provided their information to her (**Allegation E: and F Abuse of Authority – Refusal to Provide Name, § 87(2)(g) Allegation G and H: Abuse of Authority – Refusal to Provide Shield Number, § 87(2)(g)**).

PO Lawrence asked § 87(2)(b) to back up, and, when she did not, pushed § 87(2)(b) back further into the apartment (**Allegation I: Force – Physical Force, § 87(2)(g)**) and told her that he would handcuff her if she did not put down her pen (**Allegation J: Abuse of Authority – Threat of Force, § 87(2)(g)**). § 87(2)(b) threw her pen to the ground, preventing her from further recording the officers' names and shield numbers, and PO Lawrence told her to sit down. When she refused, PO Lawrence told her that if she did not sit down, he would handcuff her (**subsumed under allegation J**). § 87(2)(b) walked back into her room and told PO Lawrence not to follow her, but PO Lawrence and PO Law both followed § 87(2)(b) into her room at the back of the apartment (**Allegations K and L: Abuse of Authority – Entry of Premises, § 87(2)(g)**).

§ 87(2)(b) sat on her bed and PO Lawrence allegedly told her, while she was trying to film the incident, that she could not record with her phone and instructed her to put her phone down (**Allegation M: Abuse of Authority – Interference with Recording, § 87(2)(g)**). PO Lawrence looked at himself in § 87(2)(b)'s floor length mirror, adjusted his gun belt, flexed his muscles, and then allegedly turned to look directly at § 87(2)(b) as he puckered his lips into a “kiss face” (**Allegation N: Discourtesy – Gesture, § 87(2)(g)**).

§ 87(2)(b) eventually agreed to walk to the ambulance with officers and was removed to § 87(2)(b).

§ 87(4-b), § 87(2)(g)

Body-worn camera footage was obtained from PO Lawrence (**BR 02, BR 03, and BR 04**), PO Law (**BR 05 and BR 06**), Sgt. Siciliano (**BR 07, BR 08, and BR 09**), PO Alvarez (**BR 10, BR 11, and BR 12**), PO Polancobalcacer (**BR 13 and BR 14**), and PO Morel (**BR 15 and BR 16**), the

relevant portions of which are discussed below. There was no additional video of this incident. This incident resulted in no arrests or summonses.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Dionne Brown entered § 87(2)(b) in Manhattan.

Allegation (B) Abuse of Authority: Police Officer Jessenia Guzman entered § 87(2)(b) in Manhattan.

It was undisputed that on September 17, 2019, at approximately 12 p.m., § 87(2)(b) consented to PO Brown and PO Guzman entering his apartment, located at § 87(2)(b) in Manhattan.

§ 87(2)(b) (BR 17, BR 18 and BR 19) consistently stated that in January of 2019 he had been assaulted by hospital security at § 87(2)(b). Since that incident, § 87(2)(b) had repeatedly requested that the NYPD arrest the hospital security staff who had assaulted him. § 87(2)(b) frustrated with the NYPD's inaction on his behalf, made a Facebook post on August 26, 2019, stating that he wanted to "take out" the hospital security guards involved in the prior incident. That same day, officers responded to his apartment and removed him to the hospital § 87(2)(g). On September 17, 2019, at approximately 12 p.m., PO Brown, PO Guzman, and § 87(2)(b) came to § 87(2)(b)'s apartment unannounced. § 87(2)(b) wanted to speak with them about the incident with the hospital security at § 87(2)(b), his prior removal, and the ongoing police harassment to which he felt victim, so he willingly let them all into his apartment to discuss his situation.

§ 87(2)(b)'s statement (BR 20) was generally consistent with that of § 87(2)(b). § 87(2)(b) explained that she was a special consultant within the Department of Health and Mental Hygiene (DHMH) who worked in conjunction with the NYPD's Co-Response Team to provide mental health support to individuals with violent histories or who may benefit from mental health services. On September 17, 2019, she and her NYPD partners, PO Brown and PO Guzman, received a referral from Det. Marc Leonard, requesting a wellness check for § 87(2)(b) regarding threats that he had posted on Facebook against hospital security at § 87(2)(b). Det. Leonard informed the Co-Response Team that he had been one of the first officers to respond after § 87(2)(b) made the threat, and, after speaking with him, wanted to make a referral for ongoing mental health support. Having received the referral, § 87(2)(b), PO Brown, and PO Guzman went to § 87(2)(b)'s apartment. § 87(2)(b) explained to § 87(2)(b) that they were with the DHMH and NYPD and had received a referral to perform a wellness check on him and that they would be able to provide him with mental health services. § 87(2)(b) then invited them into his apartment so they could discuss his situation further.

§ 87(2)(b) (BR 21) was in the back of the apartment and did not observe this portion of the incident.

DAO confirmed that PO Guzman retired on September 30, 2020 (BR 22).

According to People v. Gonzalez, 39 NY2d 122 (1976) (BR 23) an entry based upon consent must be voluntary and absent coercion.

§ 87(2)(g), § 87(2)(b)

Allegation (C) Abuse of Authority: Sergeant Steve Siciliano forcibly removed § 87(2)(b) to the hospital.

Allegation (D) Abuse of Authority: Sergeant Steve Siciliano entered § 87(2)(b) in Manhattan.

During the initial meeting with § 87(2)(b) PO Brown, and PO Guzman asked § 87(2)(b) to explain his Facebook post. § 87(2)(b) responded that he was “going to take out the nine hospital officers that assaulted him.” § 87(2)(b) asked him how he planned to do this, and he responded that he was “unsure” how but intended to do it. § 87(2)(b) then asked how long he had felt that way, and he responded, “for months.” § 87(2)(b) asked him if he had specific targets in mind, and § 87(2)(b) responded in the affirmative indicating the nine hospital police staff who assaulted him, adding, “No one wants to do something about my assault. I’ll take care of it.” § 87(2)(b) asked if he had a specific date, and § 87(2)(b) responded, “I can’t tell you and incriminate myself.” Based on § 87(2)(b)’s responses to these questions, § 87(2)(b) PO Brown, and PO Guzman decided to contact EMS for homicidal ideation. § 87(2)(b) eventually agreed to go to § 87(2)(b).

According to § 87(2)(b)’s Pre-Hospital Care Report (**BR 25**), § 87(2)(b) had posted on Facebook that he was going to “shoot the hospital staff.” He had been “flagged by Intelligence,” and NYPD and EMS were notified. Upon arrival, § 87(2)(b) was taken to the ambulance and transported to the hospital of his choice without incident. § 87(2)(b) refused assessment.

According to § 87(2)(b)’s medical records from § 87(2)(b) (**BR 26**), § 87(2)(b) was brought into triage at approximately 2:02 p.m., at which time he admitted to § 87(2)(b) that he was having thoughts of homicidal ideation § 87(2)(b). Later that same day, he was evaluated by § 87(2)(b), and he disclosed that since the initial incident at § 87(2)(b) in January 2019, he had been “posting several threats on social media and YouTube stating that he wants to kill people at § 87(2)(b) by blowing up the hospital or shooting people.” § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Body-worn camera from Sgt. Siciliano (**BR 07**, **BR 08**, and **BR 09**) captures this portion of the incident. Beginning at 00:30 seconds (**BR 07**), PO Guzman explains that § 87(2)(b) had made a threat to “kill everyone in the hospital,” and that, based on the statements he made to her, PO Brown, and § 87(2)(b) needed to be evaluated and that an ambulance was on its way. PO Siciliano then follows PO Brown, PO Guzman, and § 87(2)(b) into § 87(2)(b)’s apartment. § 87(2)(b) initially refuses to go to the hospital, but, after EMTs and ESU officers arrive, he agrees to go and walks out of the apartment.

It was undisputed that § 87(2)(b) had been arrested for making terroristic threats to § 87(2)(b) staff, had made prior terroristic threats on social media, had reiterated to officers that he intended to follow through on his threats § 87(2)(g), and that, on the day of this incident, felt similarly. § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Patrol Guide procedure 221-13 (**BR 27**) defines an emotionally disturbed person as someone who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others. When a uniformed member of the service reasonably believes that a person who is apparently mentally ill or emotionally disturbed must be taken into protective custody because the person is conducting himself in a manner likely to result in a serious injury to himself or others, and the EDP is unarmed, not violent, and willing to leave voluntarily, officers can have the EDP removed to hospital in an ambulance.

According to People v. Rodriguez, 77 A.D.3d 280, 2010 (**BR 28**), officers are permitted to enter a premises without a warrant if they reasonably believe that there is an emergency and an

immediate need for their assistance for the protection of life or property and a reasonable basis to associate the emergency with the area being entered.

§ 87(2)(g), § 87(2)(b)

Allegation (E) Abuse of Authority: Officers refused to provide their names to § 87(2)(b)

Allegation (F) Abuse of Authority: Officers refused to provide their names to § 87(2)(b)

Allegation (G) Abuse of Authority: Officers Lawrence refused to provide their shield numbers to § 87(2)(b)

Allegation (H) Abuse of Authority: Officers Lawrence refused to provide their shield numbers to § 87(2)(b)

§ 87(2)(b) (BR 21) stated that she asked all of the officers for their names, but that Sgt. Siciliano told her that she only needed his name, which he provided verbally. PO Guzman also provided her name and told § 87(2)(b) that all of the officers were from the 19th Precinct. None of the other officers provided their names.

§ 87(2)(b) (BR 17, BR 18, and BR 19) consistently stated that § 87(2)(b) later told § 87(2)(b) that she had tried to write down PO Lawrence's name, but that PO Lawrence had told her to put her pen down and that she could not write anything down. § 87(2)(b) did not personally witness this, and § 87(2)(b) did not describe ever asking for or instructing § 87(2)(b) to obtain any of the officers' names or shield numbers.

§ 87(2)(b) (BR 20) stated that, while her attention was primarily focused on § 87(2)(b) she first noticed § 87(2)(b) when she came into the main kitchen area and was writing down officers' names and shield numbers on a piece of paper.

PO Lawrence (BR 29) stated that he could not recall if either § 87(2)(b) or § 87(2)(b) ever asked for his name or shield number and could not recall if he refused to provide this information to either of them.

PO Law (BR 30) had no recollection of the incident, and he could not recall if anyone ever asked him for his name or shield number.

PO Lawrence's body-worn camera footage (BR 03 and BR 04) captures this portion of the incident. At 9:32 minutes, Sgt. Siciliano provides § 87(2)(b) with his name, and § 87(2)(b) immediately writes something down on a piece of paper. At 9:52 minutes, § 87(2)(b) says, "§ 87(2)(b) get everybody's badge number and name, please...who are in the house." § 87(2)(b) who is still writing on the piece of paper, replies, "Yea." Sgt. Siciliano says, "You can just take mine. I'm the supervisor, okay? Siciliano. 3359." § 87(2)(b) continues, "There's seven people here besides those two. I want everybody's name on record. And it's being recorded. So, every name on record, § 87(2)(b) continues to write on the piece of paper while standing in the threshold of the doorway separating the kitchen from the rest of the apartment.

§ 87(2)(g), § 87(2)(b)

Patrol Guide procedure 203-09 (BR 32) states that officers must courteously and clearly state their rank, name, shield number, and command, or otherwise provide them, to anyone who requests that they do so. Officers must allow members of the public ample time to write down identification information.

§ 87(2)(b) § 87(2)(g), § 87(2)(b)

Allegation (I) Force: Police Officer Ricardo Lawrence used physical force against § 87(2)(b)

Allegation (J) Abuse of Authority: Police Officer Ricardo Lawrence threatened § 87(2)(b) with the use of force.

Allegation (K) Abuse of Authority: Police Officer Ricardo Lawrence entered § 87(2)(b) in Manhattan.

Allegation (L) Abuse of Authority: Police Officer Paul Law entered § 87(2)(b) in Manhattan.

§ 87(2)(b) (BR 21) stated that there were two small steak knives on the floor in § 87(2)(b)'s bedroom, which was the room immediately off the kitchen. PO Lawrence kicked the knives away and under § 87(2)(b)'s bed. When § 87(2)(b) who was standing in the threshold between § 87(2)(b)'s bedroom and the kitchen, asked him why he was doing that, he responded, "Because I'm doing it." PO Lawrence then lightly pushed § 87(2)(b)'s left arm with one of his hands, telling her that she needed to go into her bedroom at the back of the apartment and be quiet.

PO Lawrence then told § 87(2)(b) that she had to put her pen down. § 87(2)(b) was angry, so she threw the pen to the floor. PO Lawrence asked her if she wanted to be in handcuffs, but he did not make any motions to place her into handcuffs. § 87(2)(b) turned to walk back into her bedroom, and PO Lawrence and PO Law both followed her and told her to sit down, which she did. § 87(2)(b) told PO Lawrence and PO Law to get out of her apartment because they should not be there. PO Lawrence and PO Law told § 87(2)(b) to be quiet, and § 87(2)(b) told them that they could not tell her what to do in her own house.

§ 87(2)(b) (BR 17, BR 18, and BR 19) consistently stated that when § 87(2)(b) came into the main area in the apartment to see what was going on, PO Lawrence pushed § 87(2)(b) on the left side of her body by her ribs and her left arm with one of his hands further back into the apartment towards her bedroom. § 87(2)(b) took one step back, and yelled, "What the fuck's going on? You can't touch me!" § 87(2)(b) stood up from where he was sitting and yelled at PO Lawrence not to touch his sister. Immediately, other officers stood around § 87(2)(b) and they obstructed his view of § 87(2)(b). § 87(2)(b) did not witness any further interactions between PO Lawrence, PO Law, and § 87(2)(b).

§ 87(2)(b) (BR 20) stated that § 87(2)(b) asked § 87(2)(b) to retrieve his ID, so § 87(2)(b) went further back into the apartment. When § 87(2)(b) returned to the kitchen area, § 87(2)(b) was holding a cooking knife. While § 87(2)(b) who was surrounded by approximately three officers, was not doing anything threatening with the knife, merely having it in her possession was a safety concern. One of the officers said, "She has a knife." Immediately, PO Lawrence hit § 87(2)(b)'s hand just hard enough so that she dropped the knife to the ground. § 87(2)(b) started yelling, and § 87(2)(b) hearing that § 87(2)(b) was upset, stood up and also started yelling. § 87(2)(b) turned her focus back to § 87(2)(b) and did not witness any further interactions between § 87(2)(b), PO Lawrence, or PO Law.

PO Lawrence (BR 29) stated that he saw a six to seven-inch steak knife on the floor in front of § 87(2)(b) within reach at her feet. PO Lawrence told § 87(2)(b) to back up because he wanted to clear the knife from the area. When § 87(2)(b) did not immediately back up, PO

Lawrence extended his arm in front of him, placed his palm on § 87(2)(b)'s stomach, and pushed her slightly backward so he could bend down and pick up the knife. Besides her general proximity to the knife, PO Lawrence did not consider anything about § 87(2)(b)'s behavior to be threatening.

After he removed the knife from the area, PO Lawrence asked § 87(2)(b) to put her pen down because he did not want her to have any sharp objects in her hand with which she could possibly hurt officers and, when she did not immediately do so, told her that he would handcuff her if she did not comply. When asked why he thought that § 87(2)(b) would harm any of the officers, PO Lawrence said, "it was possible that it could escalate to the point where we have to forcibly remove her brother. At that point, she may get agitated and use the pen as a weapon. So, for our safety, I believe it was in our best interest for me and my fellow officers to remove that pen from her."

Contributing to PO Lawrence's concerns that § 87(2)(b) might use the pen as a weapon were that she did not want the officers in her apartment, she had not initially complied with his command that she back away from the knife on the floor, and because she was telling § 87(2)(b) not to comply with the officers' requests that he willingly go to the hospital. When it was brought to PO Lawrence's attention that § 87(2)(b) was backing away from the main area where § 87(2)(b) was sitting when PO Lawrence told her to drop the pen, PO Lawrence explained that he could not be sure if there was anything else further in the apartment that she could have potentially used as a weapon and that he could have put her into handcuffs for "safety" reasons.

§ 87(2)(b) threw down her pen, and PO Lawrence told her to sit down. When § 87(2)(b) did not immediately sit down, PO Lawrence told her that if she did not, he would place her in handcuffs. PO Lawrence explained that although § 87(2)(b) was no longer in possession of the pen, he was still not sure if there was anything else in the apartment that could have been used as a weapon and he wanted her to remain a safe distance from § 87(2)(b). While he did not consider § 87(2)(b) an immediate threat, placing her into handcuffs should she not comply with sitting down would have been for the officers' safety. PO Lawrence added that Sgt. Siciliano did not instruct him to have § 87(2)(b) sit down, and that it was his decision to tell her that he would handcuff her if she did not sit down.

PO Lawrence followed § 87(2)(b) into her bedroom at the back of the apartment and remained there to observe her until the other officers were ready to leave with § 87(2)(b). PO Lawrence explained that the reason he did this was because neither he nor any other officers had observed the entirety of the apartment, and he wanted to make sure that she did not gain access to any weapons that may have been in the back of the apartment. PO Lawrence did not have any specific suspicions that there were any weapons in the apartment, but he noted that, because no one had observed the entire apartment, he needed to keep § 87(2)(b) under observation in case of the potentiality that there were weapons present. PO Lawrence still did not consider § 87(2)(b) to be a threat, and nothing had changed in her demeanor to increase his suspicion that she might become violent or pose a safety risk to herself or others. PO Lawrence had no knowledge that § 87(2)(b) was in possession of firearms.

PO Law (**BR 30**) had no recollection of there being a knife at the scene or of PO Lawrence pushing § 87(2)(b) nor did he and did recall PO Lawrence ever telling § 87(2)(b) that he would place her into handcuffs. PO Law also did not recall ever going into § 87(2)(b)'s bedroom, did not recall PO Lawrence going into § 87(2)(b)'s bedroom, and did not recall if PO Lawrence ever explained to him why he went into § 87(2)(b)'s bedroom.

PO Lawrence's body-worn camera footage (**BR 03** and **BR 04**), and PO Law's body-worn camera footage (**BR 05** and **BR 06**) capture this portion of the incident. At 10:20 minutes, § 87(2)(b) who is standing stationary, is writing and looking down at the piece of paper. PO Lawrence says, "Can you back up for a second?" PO Lawrence steps closer to § 87(2)(b) and says, "Excuse me." § 87(2)(b) replies, "No," while continuing to write. PO Lawrence repeats, "Excuse me. I'm going to tell you to back up." At 10:27 minutes, § 87(2)(b) says, "No! Don't

push me!” PO Lawrence bends down to the ground, and § 87(2)(b) says again, “Don’t push me!” PO Lawrence turns to the main door to his right, and then turns back toward § 87(2)(b) at 10:36 minutes, when § 87(2)(b) says, “Don’t put your hands on me.” PO Lawrence replies, “Put that pen down.” § 87(2)(b) pulls her pen and paper away from PO Lawrence, who tells her, “You’re not going to hold that pen in your hand.” § 87(2)(b) says, “Yes I am holding a pen in my hand.” PO Lawrence tells § 87(2)(b) “Put that pen down.” § 87(2)(b) responds, “No. I’m going inside. Don’t be following me.”

§ 87(2)(b) turns away from PO Lawrence and starts to walk toward her bedroom in the back of the apartment when, at 10:46 minutes, PO Lawrence says, “I’m gonna cuff you if you don’t put that pen down. Put the pen down.” § 87(2)(b) then throws the pen to the ground in front of her. PO Lawrence then tells her to “have a seat.” § 87(2)(b) turns back to face PO Lawrence and says, “Alright. Come on. Get out of my apartment now, all of you. Get out!” At 11:10 minutes, § 87(2)(b) says, “Get him out! If he [PO Lawrence] touched her, that’s...” Sgt. Siciliano says, that PO Lawrence did not touch § 87(2)(b) and § 87(2)(b) says, “Yes, he did. He pushed me. Yes, he did. Yes, he did push me. Yes, he did. He put his hands on me.” Sgt. Siciliano says to § 87(2)(b) “You wanna sit down somewhere?” § 87(2)(b) responds, “No. I’m not sitting down. No.” PO Lawrence then says, “If you don’t sit down, I’m putting cuffs on.” § 87(2)(b) then immediately turns around and walks toward her bedroom at the back of the apartment.

Beginning at 11:24 minutes, § 87(2)(b) turns away from the main room and starts to walk to her bedroom at the back of the apartment. PO Lawrence follows § 87(2)(b) who says, “Get the fuck away from me.” When PO Lawrence continues to follow her, § 87(2)(b) turns around toward PO Lawrence and says, “I’m going to sit down.” PO Lawrence says, “You can sit right there where I can see you.” § 87(2)(b) walks further back into the apartment into her bedroom and says, “No. I’m sitting right here.” PO Lawrence follows her and replies, “I’ll be right here.” § 87(2)(b) says, “No. You don’t need to. Get out of here.”

PO Law’s body-worn camera footage is consistent with that of PO Lawrence.

It was undisputed that there was a knife in § 87(2)(b)’s general vicinity and that when PO Lawrence asked § 87(2)(b) to back up, she refused. PO Lawrence lightly pushed § 87(2)(b) away from the knife and cleared it from the area. Having removed the knife, PO Lawrence told § 87(2)(b) that she could not have the pen in her hand and that if she did not put it down, he would handcuff her, at which point she threw the pen to the ground. PO Lawrence then told § 87(2)(b) who was telling § 87(2)(b) not to comply with the officers, to sit down. When § 87(2)(b) said that she did not want to sit down, PO Lawrence told her that he would handcuff her if she did not. § 87(2)(b) then turned to walk into her bedroom, and PO Lawrence and PO Law followed her. PO Lawrence explained that he did so for safety purposes and to ensure that she did not have access to any weapons, although he had no specific suspicions that she did and only noted that “anything” could be used as a weapon. PO Law had no recollection of the incident.

Patrol Guide procedure 221-01 (**BR 31**) states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody. In determining whether the use of force is reasonable, members of the service should consider the following: 1) The nature and severity of the crime/circumstances. 2) Actions taken by the subject. 3) Duration of the action. 4) Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders. 5) Whether the subject is actively resisting custody. 6) Whether the subject is attempting to evade arrest by flight. 7) Number of subjects in comparison to the number of MOS. 8) Size, age, and condition of the subject in comparison to the MOS. 9) Subject’s violent history, if known. 10) Presence of hostile crowd or agitators. 11) Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence

§ 87(2)(g), § 87(2)(b)

§ 87(2)(g), § 87(2)(b)

According to People v. Rodriguez, 77 A.D.3d 280, 2010 (BR 28), officers are permitted to enter a premises without a warrant if they reasonably believe that there is an emergency and an immediate need for their assistance for the protection of life or property and a reasonable basis to associate the emergency with the area being entered.

§ 87(2)(g), § 87(2)(b)

Allegation (M) Abuse of Authority: Police Officer Ricardo Lawrence interfered with § 87(2)(b)'s use of a recording device.

§ 87(2)(b) (BR 17, BR 18, and BR 19) did not see § 87(2)(b) with PO Lawrence and PO Law in the back of the apartment, but he heard PO Lawrence tell § 87(2)(b) not to take any pictures with her phone and to put the phone down.

§ 87(2)(b) (BR 21) stated that she was speaking with someone on her phone but was not trying to record or take pictures.

§ 87(2)(b) (BR 20) did not witness this portion of the incident.

PO Lawrence (BR 29) denied ever telling § 87(2)(b) that she could not record with her phone.

PO Lawrence's (BR 03 and BR 04) body-worn camera footage clearly and comprehensively captures the entire verbal exchange that he has with § 87(2)(b). At no point during their interaction does PO Lawrence tell § 87(2)(b) to put her phone down or that she cannot record.

§ 87(2)(g), § 87(2)(b)

Allegation (N) Discourtesy: Police Officer Ricardo Lawrence gestured discourteously toward

§ 87(2)(b)

§ 87(2)(b) (BR 21) stated that while she was talking on the phone, PO Lawrence, who was approximately three feet away from her, touched his utility belt and flexed his muscles while looking in a full-length mirror. PO Lawrence then turned toward § 87(2)(b) looked directly at her, and puckered his lips into a "kiss-face" three times. PO Lawrence and PO Law then remained in the room with § 87(2)(b) for approximately 10 minutes, at which time Sgt. Siciliano told PO Lawrence and PO Law to leave.

§ 87(2)(b) (BR 17, BR 18, and BR 19) consistently stated that the next day, after he was

released from the hospital, § 87(2)(b) told § 87(2)(b) that when she was in her bedroom with PO Lawrence, he had adjusted his utility belt in front of her, which she thought was threatening and that he had looked in the mirror, flexed his muscles, and made “kissy” faces at her while PO Law watched, which she thought was inappropriate.

§ 87(2)(b) (BR 20) did not witness this portion of the incident.

PO Lawrence (BR 29) denied ever purposefully flexing his muscles or adjusting his utility belt in a discourteous manner, and he denied ever puckering his lips at § 87(2)(b) PO Lawrence explained that he did look in the mirror, but only adjusted his “collar brass,” and that he was not making any motions toward § 87(2)(b) when he did so. PO Lawrence had no recollections of making any discourteous facial expressions .

PO Law (BR 30) did not recall if PO Lawrence adjusted his utility belt, flexed his muscles, or puckered his lips at § 87(2)(b)

PO Lawrence’s (BR 03 and BR 04) and PO Law’s (BR 05 and BR 06) body-worn cameras capture this portion of the incident. In PO Lawrence’s body-worn camera footage, beginning at 18:06 minutes, § 87(2)(b) says, “Psychos. You’re the real psychos.” At 18:09 minutes, PO Lawrence says in a whisper, “Thank you,” and § 87(2)(b) responds, “Yea. Youse are.” At 18:13 minutes, § 87(2)(b) says, “Don’t blow no kiss at me.” PO Law is to PO Lawrence’s left, but is looking away from PO Lawrence, and PO Lawrence’s face is not visible in the frame. At 18:53 minutes, PO Lawrence turns toward the mirror, licks his lower lip, and looks away by 18:58 minutes. At 19:08 minutes, PO Lawrence turns back toward the mirror and adjusts the collar. PO Lawrence looks away from the mirror by 19:16 minutes. Between 21:29 minutes and 21:34 minutes, PO Lawrence looks at himself again in the mirror. At 22:17 minutes, § 87(2)(b) who is speaking to someone on the phone, says, “The guy here [PO Lawrence] thinks he’s a model, standing in the mirror...a cop...a wiseass...a cop.”

PO Law’s body-worn camera footage is consistent with that of PO Lawrence.

§ 87(2)(g), § 87(2)(b)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) § 87(2)(b)

- § 87(2)(b) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- § 87(2)(b) [REDACTED] § 87(2)(b) [REDACTED]
- PO Brown has been a member of service for 15 years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g) [REDACTED]
- PO Guzman was a member of service for 20 years, and this was the first complaint to which she had been a subject. § 87(2)(g) [REDACTED]
- Sgt. Siciliano has been a member of service for 13 years and has been a subject in two CCRB complaints and two allegations, neither of which was substantiated. § 87(2)(g) [REDACTED]
- PO Lawrence has been a member of service for eight years and have been a subject in four CCRB complains and 11 allegations, three of which were substantiated.
 - 201908455 involved substantiated allegations of physical force, force – hit against an inanimate object, and a threat of arrest. The CCRB recommended Formalized Training, and there was no NYPD penalty noted.
- PO Law has been a member of service for 12 years and has been a subject in seven CCRB complaints and 12 allegations, none of which were substantiated. § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of June 4, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to this complaint (**BR 37**).
- According to the Office of Court Administration (OCA), § 87(2)(b) [REDACTED] has no history of convictions in New York City (**BR 38**).
- According to the Office of Court Administration (OCA), § 87(2)(b) [REDACTED] has no history of convictions in New York City (**BR 39**).

Squad: 10

Investigator: <u>Maura R. Roche</u>	<u>SI Maura R. Roche</u>	<u>09/20/2021</u>
Signature	Print Title & Name	Date

Squad Leader: <u>Eric Rigie</u>	<u>IM Eric Rigie</u>	<u>9/21/2021</u>
Signature	Print Title & Name	Date

Reviewer: _____	_____	_____
Signature	Print Title & Name	Date